

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

**CIVIL NO. 1:06CV2**

**THEODORE R. ANDERSON,**  
Plaintiff,  
)  
**Vs.**  
)  
**JEFFREY R. DOBSON; GERALD**  
**W. SODERQUIST; ROBERT W.**  
**MIDDLETON; and ARTHUR D.**  
**ACKERMAN,**  
)  
**Defendants and Third-Party**  
**Plaintiffs,**  
)  
**Vs.**  
)  
**HALEAKALA RESEARCH AND**  
**DEVELOPMENT, INC.,**  
)  
**Third-Party Defendant.**  
)

## **PRELIMINARY INJUNCTION**

For the reasons stated in the Memorandum and Order filed contemporaneously herewith,

**IT IS, THEREFORE, ORDERED** that the motions of the Plaintiff and the Defendants for preliminary injunctive relief are hereby **GRANTED IN**

**PART AND DENIED IN PART**, and the following injunction is hereby ordered:

1. Plaintiff Theodore R. Anderson, his agents, employees and persons or entities acting in concert with him, are hereby **ENJOINED AND PROHIBITED** from directly or indirectly:
  - a. Representing Anderson as solely in control of SmartBand Technologies, Inc., to the exclusion of Defendants, or otherwise representing to any third-parties that Defendants have no interest in SmartBand Technologies, Inc.;
  - b. Defaming Defendants, or causing Defendants to be defamed, whether in print or in spoken word, so as to poison the marketplace against Defendants and their interests; and
  - c. Competing with SmartBand Technologies, Inc., through attempts to commercialize the technology subject to the Patents licensed to SmartBand Technologies, Inc., by Plaintiff Anderson. This prohibition shall in no way be considered an injunction as to any research or experimentation with regard to such technologies, or as to the seeking of grants or other funding for the purpose of research or experimentation.

2. Defendants Jeffrey R. Dobson, Gerald W. Soderquist, Robert W. Middleton, and Arthur D. Ackerman, their agents, employees and persons or entities acting in concert with them, are hereby **ENJOINED AND PROHIBITED** from directly or indirectly:

- a. Representing Dobson, Soderquist, Middleton, and/or Ackerman as solely in control of SmartBand Technologies, Inc., to the exclusion of Plaintiff, or otherwise representing to any third-parties that Plaintiff has no interest in SmartBand Technologies, Inc.;
- b. Defaming Plaintiff, or causing Plaintiff to be defamed, whether in print or in spoken word, so as to poison the marketplace against Plaintiff and his interests; and
- c. Taking any further action with respect to the private placement memorandum (PPM) concerning SmartBand Technologies, Inc.

**IT IS FURTHER ORDERED** that this Preliminary Injunction shall remain in full force and effect until further Order of this Court.

**ENTERED THIS THE 22nd DAY OF MAY, AT 1:00 PM.**

Signed: May 22, 2006



Lacy H. Thornburg  
United States District Judge

